

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

DAMON THOMAS,

Appellant

v.

LARRY DENNEY, ET AL.

Respondents

DOCKET NUMBER WD77388

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: December 16, 2014

Appeal From:

Circuit Court of Cole County, MO
The Honorable Daniel Richard Green, Judge

Appellate Judges:

Division Four
Alok Ahuja, C.J. Presiding, James Edward Welsh, J., and Tracey Mason-White, Sp.J.

Attorneys:

Karon Ramsey, Kansas City, MO

Counsel for Appellant

Attorneys:

James Emanuel, Jefferson City, MO

Counsel for Respondents

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**DAMON THOMAS, Appellant, v.
LARRY DENNEY, ET AL., Respondents**

WD77388

Cole County

Before Division Four Judges: Ahuja, C.J. Presiding, Welsh, J., and Mason-White, Sp.J.

Damon Thomas, an inmate under the authority of the Missouri Department of Corrections, filed a lawsuit against the Department and several of its employees seeking judicial review of his placement in administrative segregation. The defendants moved to dismiss, claiming, *inter alia*, that confinement in administrative segregation is not subject to judicial review under section 536.150 of Missouri's Administrative Procedures Act and that Thomas failed to request a remedy that would redress the harm he alleged in his Eighth Amendment claim. The circuit court dismissed Thomas's petition. Thomas appeals.

Affirmed.

Division Four holds:

The circuit court did not err in dismissing Thomas's lawsuit. Given the discretion afforded to prison officials concerning the decision to place an inmate in administrative segregation, and the statutory requirement for periodic administrative review of that placement, judicial review under section 536.150 is improper. Moreover, despite Thomas's allegations concerning the conditions under which he was being held, his petition sought no relief with respect to any of those conditions. Thus, the circuit court did not err in dismissing Thomas's Eighth Amendment violation claim. The circuit court's judgment dismissing Thomas's lawsuit is affirmed.

Opinion by James Edward Welsh, Judge

December 16, 2014

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